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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
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BRANCH

Before Administrative Judge
Peter B. Bloch

In the Matter of)	Docket Nos. 70-00270
)	30-02278-MLA
THE CURATORS OF)	
THE UNIVERSITY OF MISSOURI)	RE: TRUMP-S Project
)	
(Byproduct License)	
No. 24-00513-32;)	ASLBP No. 90-613-02-MLA
Special Nuclear Materials)	
License No. SNM-247))	

LICENSEE'S RESPONSE TO
"INTERVENORS' MOTION FOR RECONSIDERATION OF
MEMORANDUM AND ORDER OF NOVEMBER 16, 1990
(DISSOLUTION OF STAY)"

In the instant motion ("Stay Reconsideration Motion"),
Intervenors request that the Presiding Officer reconsider the
Memorandum and Order of November 16, 1990, which dissolved the
temporary stay.

The frivolous nature of the instant motion is
highlighted by the fact that it consists of a series of
conclusory statements, none of which is supported by any citation
to the record or by any serious legal argument.

Preliminarily, Intervenors argue that a temporary stay
should not be dissolved on the basis of Licensee's filing
"without waiting for a response." Stay Reconsideration Motion
at 1. Intervenors ignore, of course, that the temporary stay was
initially granted in ex parte fashion on the basis of
Intervenors' initial written presentation and renewed request for

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a stay. Under § 2.788(g) the granting of a temporary stay -- and certainly the continuation thereof -- is limited to "extraordinary cases," where, in Licensee's view, the petitioner has made a particularly strong showing that satisfies § 2.788(e) factors. Once the respondent has shown that the § 2.788(g) requirements have not been satisfied, the stay must be dissolved. The petitioner had to make its showing in its stay request; under § 2.788(d) it is not entitled to respond. Thus, the Presiding Officer was fully warranted in dissolving the temporary stay.

Intervenors' four numbered arguments warrant only brief responses:

1. As explained numerous times by Licensee, it is not using "almost three times the curies of plutonium authorized by its license." See, e.g., Licensee's October 30 Submittal at 4-8; Licensee's Response to "Intervenors' Motion for Reconsideration ... Part II" at 5-6, 10 (Dec. 3, 1990). The application correctly identified 710 millicuries as the curie content of the Pu-239 and Pu-240 isotopes. The application did not need to identify trace contaminants, and therefore did not identify Pu-241 or its associated curie content. Thus, neither the application nor the license amendment limited the curie content of trace contaminants.

2. As Licensee has demonstrated, § 30.32(i) did not apply to Licensee's application for the subject license amendment and does not apply to the Licensee's activities under the issued

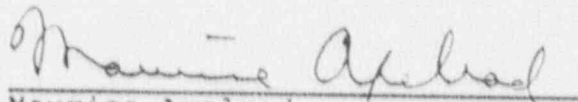
license amendment. See, e.g., Licensee's Written Presentation at § D.2.

3. As Licensee has demonstrated, the HEPA filters satisfy appropriate standard industrial practices. See, e.g., Licensee's Written Presentation at § F.1.b., Licensee's Exhibits 7 and 8.

4. Since Licensee's Written Presentation demonstrates that each of Intervenors' concerns are without merit, there can be no remaining grounds for a stay.

Thus, the instant motion should be denied.

Respectfully submitted,



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